



Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619, Boston, MA, 02108
phone: 617-371-9500, fax: 617-723-5851



SUFFOLK, ss

**COMMISSION ADJUDICATORY
DOCKET NO. 06-0028**

**IN THE MATTER
OF
CHERYL STANLEY**

DISPOSITION AGREEMENT

The State Ethics Commission and Cheryl Stanley enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On July 26, 2005, the Commission initiated a preliminary inquiry, pursuant to G.L. c. 268B, § 4(a), into possible violations of the conflict-of-interest law, G.L. c. 268A, by Stanley. The Commission has concluded its inquiry and, on July 25, 2006, found reasonable cause to believe that Stanley violated G.L. c. 268A.

The Commission and Stanley now agree to the following findings of fact and conclusions of law.

Findings of Fact

1. Stanley served as a Springfield Liquor License Commissioner from 1996 until May 2004.
2. The Liquor License Commission had the authority to issue liquor licenses, renew liquor licenses each year, and investigate any license holder for any alleged noncompliance with the liquor laws. If violations were found, the commission could impose sanctions including loss of license. Such matters were within the scope of Stanley's official duties.
3. Among the liquor stores under the Liquor License Commission's jurisdiction was Kappy's Liquors.
4. Each December, beginning in 1999 and continuing each year thereafter until she left the commission, Stanley received from Kappy's a holiday card which included one or two gift certificates whose total value each year was about \$200.
5. Stanley gave the gift certificates away. She never used them herself, nor did she return them unused to Kappy's.
6. Stanley never disclosed in writing to anyone that she had received gift certificates from Kappy's.

7. In or about late November or early December of each year that she served on the Liquor License Commission, the Commission, with Stanley participating, reviewed and voted to approve Kappy's liquor license renewal.

8. In addition to renewing Kappy's license each year, the Liquor License Commission had the authority to investigate Kappy's for any alleged noncompliance with the liquor laws and, if violations were found, to impose sanctions including loss of license. Stanley had official duties with respect to such actions.

Conclusions of Law

9. As a Springfield Liquor License Commissioner, Stanley was a municipal employee as that term is defined in G.L. c. 268A, § 1(g), and therefore subject to the conflict-of-interest law.

10. Section 23(b)(3) prohibits a municipal employee from knowingly or with reason to know acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

11. In applying § 23(b)(3), the Ethics Commission will evaluate whether the public employee is poised to act in his official capacity and whether, due to his private relationship or interest, an appearance arises that the integrity of the public official's action might be undermined by the relationship or interest. *In re Flanagan*, 1996 SEC 757 (January 17, 1996 decision and order).

12. Stanley's receipt of the gift certificates from Kappy's at or around the time that she was poised to vote on Kappy's annual license renewal created an appearance that the integrity of her official actions might be undermined. Thus, Stanley knowingly or with reason to know acted in a manner that would cause a reasonable person having knowledge of the relevant circumstances to conclude that Kappy's Liquors can improperly influence or unduly enjoy Stanley's favor in the performance of her official duties, or that Stanley is likely to act or fail to act as a result of the undue influence of Kappy's.

13. Stanley never filed a disclosure to dispel this conflict of interest.

14. Accordingly, Stanley violated § 23(b)(3).

Resolution

In view of the foregoing violations of G.L. c. 268A by Stanley, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Stanley:

- (1) that Stanley pay to the Commission the sum of \$2,000 as a civil penalty for violating G.L. c. 268A; and

- (2) that Stanley waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: December 21, 2006